IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15337 of 2003

Between:

1 Mohd. Moinuddin Khan S/o. Late Sadat Khan
Farmers Service Co-Op.Society, Kondamellapally Mandal,
Devarkonda, Nalgonda Dist.
2 Mohd. Noorulla,S/o. Fazlulla
Farmer Service Co-Op., Society, Kondamallepally Mandal, Devarkonda,
Nalgonda Dist.
3 P. Venkteshwarlu, S/o. Pandaraiah
4 S. Muttaiah,S/o. Buggaiah

..... PETITIONERS

AND

1 The Govt., of A.P., Co-Op. Department, rep by its Secretary, Secretariat,Hyd.
2 The Commissioner for Co-Op. andRegistrar of Co-Op., Societies, Nampally,
Hyderaba
3 The Nalgonda Dist. Co-op. Central Bank Ltd., rep by General Manager,
Nalgonda.
4 The Nalgonda Dist., Co-Op., Central Bank Ltd., rep by its Branch Manager.
5 The Dist., Co-op.Officer Nalgonda.
6 The Divisional Co-Op. Officer, Nalgonda.
7 The President/Person-in-Charge, Farmers Service Co-Op. Society,
Kondamallepally Village, Mandal Devarkonda Dist.
Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ or order or direction, more particularly one in the nature of WRIT OF

MANDAMUS declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Article 14 and 21 of the constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to section 116-C of A.P. Co-Operative Societies Act and pass

Counsel for the Petitioners: MR.BAJRANG SINGH THAKUR

Counsel for the Respondent No.1, 2, 5 & 6: G.P. for Co-Operation.

Counsel for the Respondent Nos. 3, 4 & 7: N.P.

The Court made the following :

:ORAL ORDER:

The petitioners are employees of the 7th respondent-Co-operative Society. The said

respondent stopped paying salaries to the writ petitioners since July, 2003. This was on account of the need of the said respondent-Society to conform to the mandatory requirement of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). It is admitted by the petitioners that the financial position of the 7th respondent-Society is not such as to permit payment of salaries to them in the light of Section 116-C of the Act. The petitioners do not establish any liability of the State Government to pay them the salaries. This liability is that of the 7th respondent-Society alone. It is not also established that the 7th respondent-Society is a State within the meaning of Article 12 of the Constitution. In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted on merits, to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue alternative remedy as is available at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Govt., of A.P., Co-Op. Department, Secretariat,Hyd.
2 The Commissioner for Co-Op. and Registrar of Co-Op., Societies, Nampally, Hyderabad
3 The General Manager, the Nalgonda Dist. Co-op. Central Bank Ltd., Nalgonda.
4 The Branch Manager, the Nalgonda Dist., Co-Op., Central Bank Ltd., Nalgonda.
5 The Dist., Co-op.Officer Nalgonda.
6 The Divisional Co-Op. Officer, Nalgonda.
7 The President/Person-in-Charge, Farmers Service Co-Op. Society, Kondamallepally Village, Mandal Devarkonda Dist. Nalgonda.

8.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

9.2CD copies